

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

SHAWKI R. IBRAHIM,

Plaintiff,

- against -

NEW YORK STATE DEPARTMENT
OF HEALTH,

Defendant.

-----X
ORDER
CV 82-0177 (RJD)

DEARIE, District Judge.

This Court is asked to review Magistrate Judge Azrack's Report and Recommendation on the issues of attorney and expert fees and litigation costs. Plaintiff has filed broad-based objections, as have attorney Field and consultant/expert Schoenblum.

Except as noted below, the Court adopts the recommendation of Judge Azrack.

During the course of this litigation, Mr. Ibrahim retained at least fourteen lawyers or firms. Inevitably the impressive roster of attorneys and consultants caused considerable duplication and redundancy as each counsel necessarily familiarized himself with Mr. Ibrahim's employment history with the New York State Department of Health. Judge Azrack carefully reviewed the participation of each attorney and reasonably determined a fair measure of compensable service for prevailing claims.

In light of the pending objections, I have now reviewed the submissions, including available time records and supporting documentation. I too have considered each application in the context of the overall litigation with a particular focus on those efforts related to successful liability and damage claims.

The Court concludes that a modest adjustment is warranted with respect to counsel fees to Manuel del Valle and Charles Powell. Although Mr. Powell enjoyed limited success before this Court and on appeal, as Judge Azrack observed, I believe that the success he realized nevertheless justifies a fee award somewhat higher than Judge Azrack fixed. The Court awards plaintiff \$2500 in fees for Mr. Powell. Similarly, Mr. del Valle sought more than he secured for plaintiff as damages. Nevertheless, after a review of counsel's submissions, I conclude that approximately thirty percent of his time related directly to successful damage claims. Fees are awarded for 14 hours at the rate of \$275 per hour, for a total of \$3850.

And finally, the work of Mr. Field, performed in the main on behalf of consultant Schoenblum, appears to be largely repetitive of the work of other counsel, as the Magistrate Judge concluded. The Court concludes, however, that Mr. Field should be compensated for an additional four hours, for a total of six hours at \$250 per hour, or \$1500.

In all other respects, the Recommendation of Judge Azrack is adopted without further modification.

SO ORDERED.

Dated: Brooklyn, New York
July 11, 2005

RAYMOND J. DEARIE
United States District Judge